

3. The Plaintiff was first processed by PrimeCare Medical on May 4, 2012 and underwent an intake health assessment and suicide screening. (See, Intake Suicide Screening at **Exhibit A** and Receiving Screening/Health Assessment at **Exhibit B**.)

4. On July 11, 2012, the Plaintiff was seen in medical by Nurse Demonaco for complaints of back and arm pain. Plaintiff was prescribed Ibuprofen, 200 mg. (See, treatment note of July 11, 2012, at **Exhibit C**.)

5. Plaintiff continued to receive the Ibuprofen from July 11 through July 18, 2012. (See, Medication Administration Record at **Exhibit D**.)

6. Plaintiff entered a sick call request on July 18, 2012, requesting Ibuprofen for his shoulder and back. (See, Sick Call/Medical Request of July 18, 2012, at **Exhibit E**.)

7. Plaintiff was seen for his complaints on July 18, 2012, by Nurse Dennis. It was noted that he had continued complaints of shoulder and back pain. (See, treatment note of July 18, 2012, at **Exhibit F**.)

8. Plaintiff presented to Nurse Demonaco on July 26, 2012, with continued complaints of left shoulder pain. It was noted that he had fallen on his elbow and shoulder. At that time, the Plaintiff was prescribed Motrin 800 mg. (See, treatment note and Telephone/Verbal Order Form of July 26, 2012, at **Exhibit G**.)

9. Plaintiff put in a sick call slip on August 22, 2012 with complaints of pain in the arm, back and shoulder. (See, Sick Call/Medical Request of August 22, 2012, at **Exhibit H**.)

10. Plaintiff was seen by Nurse Demonaco on August 23, 2012. Nurse Demonaco noted that he had sustained an old trauma to the left shoulder. (See, treatment note of August 23, 2012, at **Exhibit I.**)

11. Plaintiff was seen by Dr. Susen Rossino on August 28, 2012, in the Chronic Care Clinic. (See, Chronic Care Sick Call note of August 28, 2012, at **Exhibit J.**)

12. The records do not reveal any complaints of a slip and fall or injury to the Plaintiff's elbow throughout the month of September.

13. Dr. Rossino then evaluated the Plaintiff on November 29, 2012, as a part of the Chronic Care Clinic. At that time, there was no reference of any complaints regarding his elbow or a slip and fall. (See, Chronic Care Sick Call note of November 29, 2012, at **Exhibit K.**)

14. Plaintiff was thereafter transferred from the facility in on February 1, 2013.

15. While the Plaintiff was incarcerated at the Lawrence County facility, the facility had in place a grievance procedure. Plaintiff received a copy of the Inmate Handbook and, as such, would have been on notice of the grievance procedure. (See, Boynes Depo., p. 88, lines 9-22 at **Exhibit L.**)

16. The Medical Defendants did not receive any timely grievances from the Plaintiff concerning his treatment as a result the "incident in September of 2012." (Doc.1 at ¶ 12.)

17. Plaintiff failed to provide any grievances filed while incarcerated at the Lawrence County facility.

18. Plaintiff testified that he filed a grievance with a State Representative by the name of Butch Weird. (See, **Exhibit L**, p. 20, lines 6-11.) This is in contravention to any written policy in the Lawrence County Handbook. (See, Lawrence County Corrections Inmate Handbook at **Exhibit M**.)

19. Moreover, as noted above, this alleged incident occurred in “September 2012.” (Doc.1 at ¶ 12) Plaintiff testified at the time of his deposition that the incident “could have been July, August, September.” (See, **Exhibit L**, p. 38, lines 5-12.)

20. Plaintiff initiated this matter by way of Complaint on February 3, 2015, nearly six (6) months after the statute of limitations had run. (Doc. 1)

21. Plaintiff failed to serve any Defendant with his Complaint before the expiration of the two-year statute of limitations. (Doc. 1)

22. In fact, Plaintiff did not file his Complaint for nearly six (6) months after the subject incident. (Doc. 1)

23. Plaintiff mailed a grievance on November 18, 2013, to a Brian Covert at the Lawrence County Correctional Facility. (See, Inmate Request Form (grievance) and envelope at **Exhibit N**.)

Respectfully submitted,

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Date: September 27, 2016

CERTIFICATE OF SERVICE

I hereby certify on the 27th day of September, 2016, that the foregoing *Concise Statement of Undisputed Facts* was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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